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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Sebastien Weitbruch

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07/30/2009

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EXAMINER

SHAPIRO, LEONID

ART UNIT

PAPER NUMBER

2629

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/801,125	<b>Applicant(s)</b> WEITBRUCH ET AL.	
	<b>Examiner</b> Leonid Shapiro	<b>Art Unit</b> 2629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-10 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-10 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2,9-10,15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiya (JP 05-075951).

As to claim 1, Yoshiya teaches method for driving display means having a predefined display area for displaying, a video image being smaller than the display area in order to suppress the marking effect and to limit the disturbing effect of unused display sections (paragraphs 0001,0007-0008) comprising the steps of providing a video signal for displaying a video image being smaller than said display area, so that one or more unused display sections remain on the display area (fig. 6, items L1-L2, paragraph 0004), and

driving said one or more unused display sections with at least one predetermined signal (fig. 6, items L1-L2, paragraphs 0007-0008),

wherein said at least one predetermined signal is computed on the basis of one or more analysing areas within said display area, directly abutting on said one or more unused areas (drawing 6, items L1-L2, paragraph 0024) and wherein said at least one predetermined signal is computed by evaluating the quantity of similar brightness level in said analysing areas and by selecting a brightness level according to significant quantity at which brightness level occur in

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said analysing area abutting on said one or more unused areas in order to suppress the marking effect and to limit the disturbing effect of the unused display sections (drawing 6 (b), items L1-L2, par. 8, Constitution).

Yoshiya teaches inserting the average level of the video signal into margin section (consitution).

Yoshiya does not disclose predetermined signal is computed by evaluating the quantity of similar brightness level in said analysing areas and by selecting a brightness level according to significant quantity at which brightness level occur in said analysing area abutting on said one or more unused areas.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute significant quantity at which brightness level occur with the average level in order in order to suppress the marking effect and limit the disturbing effect of the unused display sections, as recited in claim 1.

As to claim 9, Yoshiya teaches device for driving display means having a predefined display area for displaying, a video image being smaller than the display area in order to suppress the marking effect and to limit the disturbing effect of unused display sections (paragraphs 0001,0007-0008) comprising:

determining means for determining one or more unused display sections remaining on the display area when driving display means with predetermined video signal (fig. 1, items 7-8, paragraphs 0012-0013), , and

driving means connected to said determining means for driving said one or more unused display sections with at least one predetermined signal, said at least one predetermined signal

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being variable in accordance with said video signal (fig. 1, items 7-9, paragraphs 0012-0013 and fig. 6, items L1-L2, paragraphs 0007-0008), and

wherein said at least one predetermined signal is computed on the basis of one or more analysing areas within said display area, said one or more analysing areas directly abutting on said one or more unused areas (drawing 6, items L1-L2, paragraph 0024) and wherein said at least one predetermined signal is computed by evaluating brightness values concerning the quantity at which brightness level occur in one of said analysing areas and by selecting a brightness level according to significant quantity at which brightness level occur in a present video signal for displaying a video image in said analysing area abutting on said one or more unused areas in order to suppress the marking effect and to limit the disturbing effect of the unused display sections (drawing 6 (b), items L1-L2, par. 8, Constitution).

Yoshiya teaches inserting the average level of the video signal into margine section (consitution).

Yoshiya does not disclose predetermined signal is computed by evaluating the quantity of similar brightness level in said analysing areas and by selecting a brightness level according to significant quantity at which brightness level occur in said analysing area abutting on said one or more unused areas.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute significant quantity at which brightness level occur with the average level in order in order to suppress the marking effect and limit the disturbing effect of the unused display sections, as recited in claim 1.

As to claims 2,10 Yoshiya teaches unused sections include sidebars (fig.6, item L2).

As to claims 15-18 Yoshiya teaches driving means is capable of limiting the brightness of said at least one predetermined signal to a maximum brightness below the maximum practical brightness of the luminous elements of said display means (in the reference average level)(see constitution).

2. Claims 5-8,13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiya as applied to claims 5,11 above, and further in view of Milch et al. (US 7,002,593 B2).

As to claims 5-6,13-14 Yoshiya teaches taking a medium brightness of said significant part for said at least one predetermined signal (constitution).

Yoshiya does not disclose at least one predetermined signal is computed by evaluating a histogram of brightness values of one of said analysing areas by applying a threshold to histogram in order to obtain a significant part of the histogram.

Milch et al. teaches at least one predetermined signal is computed by evaluating a histogram of brightness values of one of said analysing areas by applying a threshold to histogram in order to obtain a significant part of the histogram (col. 3, lines 10-32).

It would have been obvious to of ordinary skill in the art at the time of the invention to incorporate teachings of Milch et al. into Yoshiya system in order to reduce power consumption (col. 1, lines 6-9 in Milch et al. reference).

As to claims 7-8 Yoshiya teaches driving means is capable of limiting the brightness of said at least one predetermined signal to a maximum brightness below the maximum practical brightness of the luminous elements of said display means (in the reference average level)(see constitution).

***Response to Arguments***

4. Applicant's arguments filed on 05/22/09 have been fully considered but they are not persuasive.

On page 10, last paragraph of Remark, Applicant's stated that Applying the features of the prior art solves the burn effect (ensuring homogeneity of the display although there are unused areas (sidebars)) and causes gray sidebars as disturbing effect in case of dark scenes with view white points. It is not possible to *reach* the same result as it is reached with the present invention by the means of the prior art. Consequently, there are at least the reasons mentioned above, which indicate that the present invention is patentable over Yoshiya and Examiner's statements are respectfully rejected. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute **significant quantity at which brightness level occur** with the **average level** in order in order to suppress the marking effect and limit the disturbing effect of the unused display sections and Applicant's must show what is the **structural difference** between prior art and Applicant's Application.

***Telephone inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. S./  
Examiner, Art Unit 2629  
07.20.09

/Richard Hjerpe/  
Supervisory Patent Examiner, Art Unit 2629